

811 KAR 1:150. Officials; deputies and assistants.

RELATES TO: KRS 230.620(4), 230.630(1), (2), (3), 230.640, 230.650, 230.660

STATUTORY AUTHORITY: KRS 230.630(3), (4), (7)

NECESSITY, FUNCTION, AND CONFORMITY: To regulate conditions under which harness racing shall be conducted in Kentucky. The function of this administrative regulation is to set out the duties and responsibilities of commission officials, deputies and assistants.

Section 1. Executive Racing Secretary. The Governor shall appoint a secretary for the commission for a term of four (4) years. The secretary shall receive an annual salary fixed by the commission and shall perform such duties as prescribed by the commission.

Section 2. Deputy Commissioner (Supervisor of Racing). A deputy commissioner (supervisor of racing) may be appointed by the commission and shall be representative at large of the commission. He shall have general supervision over all race officials and licensees of the commission. He shall supervise the licensing of all those persons required to be licensed by the commission at associations. He shall generally supervise the conduct of the racing, the pari-mutuel operations, and the testing of horses. His authority is extended to cover all powers and duties of the commission, subject to review by the commission, except for such limitations expressly stated in the law or the commission's administrative regulations. He shall have authority to conduct inquiries, and shall submit a report of all proceedings thereon to the commission. He shall at all times have access to all parts of the course, plant and grounds, including the pari-mutuel department. The compensation of the deputy commissioner (supervisor of racing) shall be fixed by the commission and paid by the commission or other branches of state government. The commission in its discretion may appoint such assistants to the deputy commissioner (supervisor of racing) as it may deem necessary who shall have the same authority as the deputy commissioner (supervisor of racing) in his absence but such assistant shall be junior in authority to the deputy commissioner (supervisor of racing) at all times. In addition, the commission may appoint any other assistants as it may deem necessary.

Section 3. The commission may, in its discretion, designate one (1) of the officials as its representative at that particular meeting. Said designee shall be required to perform all of the functions of a deputy commissioner (supervisor of racing).

Section 4. It shall be the duty of all the officials to enforce the rules and administrative regulations of the commission.

Section 5. The deputy commissioner (supervisor of racing) or any official or employee appointed or approved by the commission may be removed by the commission in its discretion. The chairman, or in his absence from the state, the vice chairman, may suspend the deputy commissioner (supervisor of racing) or any official or employee appointed or approved by the commission until such time as the commission may act to remove or reinstate said deputy commissioner (supervisor of racing), official, or employee.

Section 6. In an emergency, due to incapacity or absence, the deputy commissioner (supervisor of racing) or in his absence, the licensee may appoint a substitute official to serve pending a new official approved by the commission.

Section 7. Commission Director of Security. The commission may employ an investigator experienced in police work who shall advise the commission as to any person on association grounds, or

among license applicants, whose conduct or reputation is such that such person's presence on association grounds may reflect on the honesty and integrity of standardbred racing or interfere with the orderly conduct of standardbred racing. The commission director of security shall:

(1) Maintain a current file on persons against whom rulings have been issued in racing jurisdictions and reported through the National Association of State Racing Commissioners and the United States Trotting Association. Said file also shall contain reports received from all available agencies as to investigations, arrest records, and other information; said file also shall contain reports as to ejections or exclusions from association grounds in Kentucky and other racing jurisdictions.

(2) Investigate and ascertain the truth of statements made on license applications.

(3) Investigate possible infractions of racing rules at the request of the commission or stewards.

(4) Participate and cooperate with members of the track security police, state and local police on all other investigations and conduct pertaining to racing in the Commonwealth.

Section 8. Commission Supervisors of Pari-mutuel Betting. (1) The commission shall employ supervisors of pari-mutuel betting with accounting experience who shall be responsible for ascertaining whether the proper amounts have been paid from pari-mutuel pools to the betting public, to the association, and to the commonwealth, by checking, auditing, and filing with the commission verified reports accounting for daily pari-mutuel handle distribution and attendance for each preceding racing day and a final report at the conclusion of each race meeting in the Commonwealth.

(2) Such daily reports to the commission shall show: for each race: number of horses started, number of betting interests, total money wagered in each betting pool, and refunds, if any for each day. The sum of all betting pools, and total refunds also, total pari-mutuel handle for the comparable racing day for the preceding year, and cumulative total and daily average pari-mutuel handle for the race meeting.

(3) Such daily reports also shall show: amount of state pari-mutuel tax due; taxable admissions, tax exempt admissions, total admissions; temperature, weather and track conditions, post time of first race; program purses, distance and conditions of each race; any minus pools resulting with explanation.

(4) The commission supervisors of pari-mutuel betting shall submit to the commission on or before thirty (30) days after the close of each race meeting a final verified report giving in summary form a recapitulation of the daily reports for each race meeting and such other information as the commission may require.

(5) The commission supervisors of pari-mutuel betting or their representatives shall have access to all association books, records, and pari-mutuel equipment for checking accuracy of same.

Section 9. The commission, its executive racing secretary, representatives, officials and employees shall at all times have full access to the course, plant and grounds, including the judges' stand, and pari-mutuel department.

Section 10. Commission Veterinarian. (1) The commission shall employ a graduate veterinarian licensed in Kentucky and experienced in equine medicine. He shall advise the commission and the judges on all equine veterinary matters. The commission veterinarian shall supervise and control the test barn area, supervise the collection of samples for the testing of horses for prohibited medication described in 811 KAR 1:090. The commission veterinarian shall also inspect horses programmed to race that may be lame, sick, or too weak to race.

(2) No veterinarians designed as officials at any race meeting shall practice their profession upon the grounds at such race meeting, except, however, such veterinarian may act in case of an emergency, and only for so long as such emergency may exist; nor shall he buy or sell, for himself or another any horse under his supervision; nor shall he wager on a race under his supervision. The of-

fice of commission veterinarian, in the test barn area, shall be equipped with a telephone that would allow direct communication to the judges stand and paddock judge.

Section 11. Commission Chemist. (1) The commission is authorized to employ a graduate chemist experienced in chemical testing techniques who shall be responsible for conducting tests on urine, saliva and blood specimens from standardbreds delivered to him by the commission veterinarian or any other person so authorized by the commission, and shall be responsible for conducting any other tests requested or required by the commission. The commission chemist is authorized on behalf of the commission, to acquire, operate and maintain, or to provide by contract approved by the commission, a chemical testing laboratory and related facilities.

(2) The commission chemist shall report to the presiding judge and the deputy commissioner all substances he may find in the chemical tests which are not normal in the body of the horse as outlined in 811 KAR 1:090.

Section 12. Director, Standardbred Development Fund. (1) A director shall be appointed by the Kentucky Harness Racing Commission to supervise the registration of horses for entry into races provided by the Kentucky Standardbred Development Fund. He shall assist the agency head and commissioners in the development and enforcement of policies, administrative regulations and operational methods of the Kentucky Standardbred Development Fund. He shall be the liaison between breeders, horsemen, and track managers as to the scheduling of sire stakes events. The director shall supervise one (1) employee, an administrative specialist, and review all statistical charts and reports of purses and contributions from the mutuel handle that concern the fund. He shall supervise all advertising in the major horse publications regarding race dates, registered sires in Kentucky and nominating dates.

(2) The compensation of the director shall be fixed by the commission. The compensation shall be paid out of the Kentucky Standardbred Development Fund. (KTC 1-8 (Rule 33; 1 Ky.R. 1122; eff. 6-11-75; Am. 6 Ky.R. 444; eff. 4-1-80; 11 Ky.R. 458; eff. 10-9-84; 800; eff. 12-11-84.)